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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 KRISTOPHER M. RICHARDSON,

11 Plaintiff,

No. CIV S-04-2625 MCE KJM P

12 vs.

13 HIGH DESERT STATE PRISON, et al.,

14 Defendants.

ORDER

15 \_\_\_\_\_/  
16 Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action  
17 filed under 42 U.S.C. § 1983. By order filed May 20, 2005, plaintiff's complaint was dismissed  
18 with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

19 Plaintiff's amended complaint states cognizable claims for relief under 42 U.S.C.  
20 § 1983 and 28 U.S.C. § 1915A(b). If the allegations of the amended complaint are proven,  
21 plaintiff has a reasonable opportunity to prevail on the merits of his Eighth Amendment claims  
22 against defendants. With respect to the other claims and defendants identified in plaintiff's  
23 amended complaint, plaintiff's amended complaint fails to state a claim upon which relief can be  
24 granted. Therefore, the court will only order service of process on the defendants identified  
25 above.

26 /////

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Service is appropriate for defendants Shaver, Sloan, Patton, Smith and  
3 Kessler.

4 2. The Clerk of the Court shall send plaintiff five USM-285 forms, one summons,  
5 an instruction sheet and a copy of the amended complaint filed June 13, 2005.

6 3. Within thirty days from the date of this order, plaintiff shall complete the  
7 attached Notice of Submission of Documents and submit the following documents to the court:

8 a. The completed Notice of Submission of Documents;

9 b. One completed summons;

10 c. One completed USM-285 form for each defendant listed in number 1  
11 above; and

12 d. Six copies of the endorsed amended complaint filed June 13, 2005.

13 4. Plaintiff need not attempt service on defendants and need not request waiver of  
14 service. Upon receipt of the above-described documents, the court will direct the United States  
15 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4  
16 without payment of costs.

17 DATED: May 3, 2006.

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20 UNITED STATES MAGISTRATE JUDGE  
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24 <sup>1</sup>  
25 rich2625.1(6.13.05)  
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KRISTOPHER M. RICHARDSON,

Plaintiff,

No. CIV-S-04-2625 MCE KJM P

vs.

HIGH DESERT STATE PRISON, et al.,

NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

\_\_\_\_\_ /

Plaintiff hereby submits the following documents in compliance with the court's  
order filed \_\_\_\_\_:

1 completed summons form

5 completed USM-285 forms

6 copies of the 6/13/05  
Amended Complaint

DATED:

\_\_\_\_\_  
Plaintiff